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### Policing after state socialism

**Citation for published version:**

Aitchison, A 2016, Policing after state socialism. in B Bradford, B Jauregui, L Ian & J Steinberg (eds), *The SAGE Handbook of Global Policing*. SAGE Publications Ltd, London, pp. 320-336.  
<https://doi.org/10.4135/9781473957923.n19>

**Digital Object Identifier (DOI):**

[10.4135/9781473957923.n19](https://doi.org/10.4135/9781473957923.n19)

**Link:**

[Link to publication record in Edinburgh Research Explorer](#)

**Document Version:**

Peer reviewed version

**Published In:**

The SAGE Handbook of Global Policing

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## **20 Policing after State Socialism**

There are important divergences in how states experience state socialism (Bunce, 1999). Political and institutional choices made in advance of, during and immediately after the demise of a state-socialist regime can produce very different trajectories and outcomes (Fish, 1999). Nonetheless, certain important commonalities have been identified and abstracted from concrete historical formations, particularly in relation to ideology, structures of power and the relationships between state, party and mass organisations (Kornai, 1992). The police system, as a manifestation and fundamental element of state and party power, exhibits certain commonalities in relation to legitimacy, structure and function (Mawby, 2008). Depending on the nature of the transition away from state-socialism, these may continue to be evident in the subsequent police system. This chapter gives an account of socialist policing and, through an account of developments in Bosnia and Herzegovina, Georgia and Poland, examines the impact of differences in transition upon police systems. A quick and clear transition in Poland can be contrasted with messier, conflict-affected transitions in post-Yugoslav Bosnia and post-Soviet Georgia, to show the importance of breakage as a mode of transitional change.

## **Introduction**

Three factors suggest that a clearly defined and coherent category of post-socialist policing is unlikely: different experiences of state socialism (Bunce, 1999); diverse trajectories of post-socialist transition or stagnation (Fish, 1999); and the time elapsed since socialist rule. In the Eurasian socialist space, nine countries spawned 30 successor states and further breakaway de facto states, while East Germany has reunified with its West German co-nationals (see table 20.1). Trajectories away from state socialism have variously been accompanied by the demands of newly-independent statehood, conflict and moves towards membership of international institutions embodying multi-level forms of liberal democracy. Each of these has an impact on the emerging policing system. The latter may lead to policing systems based on the same structures and practices found in longstanding, liberal democratic states. Recognizing the central position that policing plays in state governance, this chapter considers the impact of differences in transition upon police systems. The chapter begins with a framework for understanding police systems and locates police systems in the state-socialist context. A review of research literature provides three case studies in which the interaction of legacy, changing context and political decision making can be seen on post socialist policing. The diversity of the outcomes suggest that the nature of transition, as much as the legacy of state-socialism, is key to understanding how police systems change in a new environment.

## **Police systems and political regimes**

Mawby proposes three dimensions of police systems which allow policing to be studied as a distinct phenomenon and facilitate comparison over time and across

jurisdictions: legitimacy, structure and function (2008: 17). *Legitimacy* relates to the sources of power which give authority to the police to act in ways which call for obedience, for example a social elite, the wider population or an external power (2008: 17-18). By *structure*, Mawby indicates that police are a separate and specialized body (2008: 18). Variations in structure include territorial divisions (local or centralized policing), hierarchies (civilianized or militarized rank structures), functional divisions within and between forces, and the relationship between public and private forms of policing. The third dimension of *function* incorporates the sense of a body tasked with maintaining law and order and preventing and detecting offences (2008: 18).

Identifying a policing *system* suggests that it is something that can be thought of as relatively bounded. Depending on the nature of criminal procedure large parts of police work may be directed from outside police agencies. Police in many continental European systems are directed by prosecutors or investigating magistrates during the criminal process. Thus the police system overlaps with a system of law. Whether conceptualized as a free-standing system or sub-system, police and policing in any country exist in a wider environment in which the inputs to which police react might come from government, from law breakers and from civil society and citizens more generally, from inside or beyond national frontiers. Changes in respect of any of these and in relationships between them may result in changes being imposed on a police system or may provoke a reaction from the police system. Equally in terms of interactions with sources of power and positions of interest, a police system can be expected to contribute to its environment (Findlay and Zvekić, 1993: 5). Before

analyzing the changes occurring after state-socialism, I introduce the nature of policing in a state-socialist environment.

### **Locating the police system in a state socialist environment**

At the point when communism 'peaked' in the 1980s, communist regimes covered roughly one third of the world's territory and population (Kornai, 1992: 5-6, including Table 1.1). Analyzing socialist countries together in one class of 'social-political-economic' system, Kornai includes only consolidated socialist regimes lasting at least 30 years. These include all the countries in table 20.1, the east and south-east Asian communist states of China, North Korea and Vietnam, and Cuba. As of 2005, Laos can be added to this list. Kornai's comparison aims to escape the complications in defining socialism at the level of ideas and to ground conclusions in evidence from 'historical formations' (1992: 9). The breaking of the party monopoly of power is central to Kornai's analysis of a shift from socialism through revolution to post-socialism (1992: 388-390). This chapter focuses on the Eurasian states listed in table 20.1 where that break is most evident. Cuba, Laos and North Korea are excluded as continuing single-party communist states. Likewise, China and Vietnam are not included. While they have moved away from socialist structures in the economic sector, party power structures remain intact in keeping with a 'reform' phase rather than a post-socialist transition (cf., Martin and Liu, this volume).

**Table 20.1 Post-socialist states in Eurasia with Freedom House ratings <<INSERT  
HERE>>**

*Party power and police legitimacy*

The origin of communist government in contexts of revolution, war and disorganisation and the subsequent focus on retaining power are central to Kornai's analysis (1992: 27-28, 33, and 41). This is evident in the first communist state, the Soviet Union, where the early years were spent fighting various counter-revolutionary forces. In European states in the Soviet sphere of domination, communist parties took power as minorities and worked rapidly to capture state offices with Soviet support (Applebaum, 2013: 205 ff.). Yugoslavia is something of a special case, with the partisan movement enjoying a greater degree of power as a successful national liberation movement (Jelavich, 1983: 295-297). Starting out from a defensive position, the 'official culture' of communist regimes failed to impact upon political cultures beyond 'a vague general commitment to socialism, undefined' (Almond, 1980: 31). Party membership in the states listed in Table 20.1 varied from less than 5 per cent (Albania and Mongolia) to around 16 per cent in Romania (Kornai, 1992: 35, Table 3.1). Faced with an unenthusiastic population, protecting a regime based on the 'undivided political power of the ruling party' (Kornai, 1992: 360) was a dominant task of the legal and police systems (Jurska et al, 2004, 163).

The police served as the 'sword of the revolution'. In line with communist subordination of law to bureaucracy (Kornai, 1992: 47), they could operate with little reference to legal constraints (*Soviet Police System*, 1968: 7). The extent of police

power in the Soviet system is evident at points when police were granted sentencing powers and in their control of the Gulags (*Soviet Police System*, 1968: 77). In terms of the legitimacy, the party was the sole source of authority. In all areas of state activity, the party played a key role in decision making, in supervising state action and in making appointments, leading to the 'interpenetration' of state and party (Kornai, 1992: 37). In the Soviet Union, levels of membership of the party were high among police, especially those in higher ranks (*Soviet Police System*, 1968: 36). In Yugoslavia, the 1948 split with Stalin encouraged the development of an alternative model of socialism involving greater local autonomy and self-management. Nonetheless, the local League of Communists of Yugoslavia (SKJ) was the 'basic political force' (McDonald et al, 1973: 2) and the country remained 'a one party state with a strong and active secret police' (Cviić, 1986: 57). The party authorizes the police. The police enforce party domination. But as a holder of certain power resources, the police are a potential threat to centres of power in the party structure. The party reacts to this periodically, as seen in the removal of Aleksandar Ranković, head of the Interior Ministry and secret police in Yugoslavia, and in the execution of Lavrentii Beria in the Soviet Union.

### *Structure*

Two key elements of structure are worth noting in relation to police systems in communist states: the territorial distribution of power and the separation of political policing from day to day police services. There is not one communist model of territorial structures of policing, rather in common with non-communist states the general territorial structures of governance played a role in shaping police structures.

Thus countries with some element of federalism (Czechoslovakia after 1969, the Soviet Union, Yugoslavia) saw this reflected in police structures, although strong central oversight through the party remained (McDonald et al, 1973: 523-525). Throughout the Soviet sphere of influence in Europe, secret police services were a priority and preparation for these pre-dated the Soviet military successes in a number of countries (Applebaum, 2013: 68 ff.). In Yugoslavia policing was divided functionally between the political Division for the Protection of the People, established under Soviet tutelage and later changed to the State Security Service, and a Service for Public Protection. In line with the policy of self-management and reforms geared towards *destatisation*, Yugoslavia developed a further element of the police system. It was not just property which was to be socialized, rather there was to be a 'socialisation of security'. Responsibility for the protection of their own property fell on social enterprises involved in production (Davidović, 1993: 171-172) and socially owned security enterprises were established (Sotlar, 2009: 490). The development of this socialist parallel to commercial security was uneven at the point when Yugoslavia began to disintegrate (Davidović, 1993: 175 and 178).

### *Function*

Regime protection has already been identified as a central function. Police systems, particularly secret or political police were oriented towards securing what Marenin refers to as the 'specific' as opposed to the 'general' order (1982: 258). Police functions have an implication on the personnel employed within the police. As noted above, party control of appointments and penetration of the police was particularly high. Beyond this, patterns of property ownership reinforce the function of the police



in defending a party regime that has thoroughly penetrated the state. Kornai's use of the terminology of 'state-ownership' over-simplifies the status of the means of production under socialism (Szelenyi, 2014: 4), particularly in the context of Yugoslav self-management. Nonetheless, particular forms of de-privatized ownership mean the position of property in socialist economies is distinctive from that found under capitalism. While the figures are not entirely unproblematic the contrast between those European capitalist states with comparatively high levels of public ownership (around 15 per cent) and Eurasian socialist states with comparatively low levels of public ownership in their group (over 80 per cent) is still fairly stark (Kornai, 1992: 72, table 5.1). The linking of law and police to the protection of property and productive capacity is a common theme in historical research (Elmsley, 2008: 81; Hay, 1975: 19; Rigakos and Ergul, 2011: 339-340). Party control of property, through state ownership of the means of production, means the protection of property is another dimension of protecting the party and reinforces the police role in the party-state-bureaucracy nexus of power outlined by Kornai.

#### *Socialism's end and post-socialist trajectories*

Bunce suggests that the history of socialist regimes and their fairly rapid demise provide a 'best case scenario' for the powerful impact of the past hypothesized by historical institutionalists (1999: 757). She points to similarities in form and functioning of regimes, common trends in the years preceding collapse and shared experience of a rapid end to the single party system within a relatively bounded timeframe (1999: 756). Historical institutionalists also point towards the importance of early decisions and sequencing in the period following a critical juncture (Greener, 2005: 62), creating

*new* path dependencies (Pierson, 2000: 252 ff.). This helps to explain the diverse outcomes in terms of post-socialist regimes (Fish, 1999) and post-socialist policing. In terms of political regimes, Carothers (1999) identifies states that successfully consolidate domestic reforms, those that fail to escape or slump back into authoritarian rule, and a large group of countries in the grey zone somewhere in between. This is reflected in the countries in table 20.1. They cover all of Freedom House's categories including free (e.g. Poland, Slovenia), partly free (e.g. Georgia, Bosnia and Herzegovina), not free (e.g. Belarus, Russia) and the 'worst of the worst' (e.g. Turkmenistan, Uzbekistan) (see [www.freedomhouse.org](http://www.freedomhouse.org)). The remaining sections of the chapter focus on three countries in the free and partly free categories that have made a more definitive break from the power structures associated with socialist rule: Bosnia and Herzegovina (BiH), Georgia and Poland.

### **The cases**

Three cases have been selected involving a relatively clear break from socialist power structures. Nonetheless they show a diversity of experiences of state-socialism and post-socialist trajectories. Poland was an independent state, but like many other states in central and east Europe came under strong Soviet influence from the end of the Second World War. Georgia was integrated into the USSR at an early stage, while BiH, also integrated into a federated state was the furthest from Soviet influence, particularly since Yugoslavia's split with Stalin in 1948 and the development of the non-aligned group of states. The development of a strong opposition voice can be traced back to at least the early 1980s in Poland and emerged most strongly in the later 1980s in Georgia during the time of *glasnost* and *perestroika*. These two might be

seen as relative frontrunners in challenging socialist rule and Soviet power structures. BiH was one of the later Yugoslav republics to embrace democratic change, reacting to developments elsewhere within and beyond Yugoslavia. All three countries have a Euro-Atlantic perspective in terms of regional organisations. All are members of the Council of Europe and are covered by the European Convention of Human Rights. Poland has the most fully developed integration with Euro-Atlantic structures as a NATO member since 1999 and an EU member since 2004. BiH has taken halting steps towards NATO membership and EU candidacy, while Georgia continues to work towards NATO membership but has no real EU membership prospects. Other relevant features of the three states are discussed below before a more full analysis is presented in terms of post-socialist policing. In the following sections, each country is taken in turn and after some further contextual information, key developments in terms of legitimisation and structure are presented. A final section looks across the three cases and gives an overview of changing functions in post-socialist policing. Although the three countries ultimately made clear breaks from socialist power structures, these varied in terms of pace, decisiveness, and international support, features which have had an impact on changes in police systems.

### **Policing post-socialist Poland**

Poland had both recent experience of a meaningful period of stable, independent statehood and a history of statehood from the medieval period into the eighteenth century. It is the most ethnically homogenous of the three cases, having gone through processes of shifting boundaries and resettlement of population at the end of the Second World War (Applebaum, 2013: 124 ff.). Poland's transition from state-socialism

was not accompanied by major violent conflict, although perceived external threats may have influenced the early decision to join NATO. Poland forms the EU external land borders with the Russian exclave of Kaliningrad and the former Soviet republics of Belarus and Ukraine. It also borders a number of EU states and the Baltic Sea. Poland was at the forefront of reform and the rejection of state-socialism in central and east Europe (Korbonski, 1999: 140), building on developments dating back to the 1950s (Chhachhi et al, 1982). Although the opposition to the communist regime was not fully united (Korbonski, 1999: 142), previous experience of negotiations and the role of the Catholic Church as a mediator were important factors in an initial settlement leading to the elections in June 1989 which revealed the deep unpopularity of the government (Saxonberg, 2000: 53; Welsh, 1994: 385).

### *Legitimation*

One of the earliest acts of the post-socialist legislature in Poland was a law on police, focusing on administrative control and accountability through the Minister for the Interior (Summers and Pływaczewski, 2012: 232). Subsequent acts in 1995 and 1999, including measures on accountability, indicate that police governance continues to be a priority area for reform. Developments in Poland suggest a strong local element in providing police with their authority, even in the context of a unitary state. Local politicians play a role in nominating police leaders (Haberfeld, 1997: 646), state funding bypasses central police authorities to go directly to provinces (Haberfeld et al, 2002: 150) and a high level of cooperation between police and other agencies has been observed at local level (Haberfeld et al, 2002: 149). At the central level, cross-party oversight of policing is maintained (Haberfeld, 1997: 646). Many of the changes

in Polish police have been focused on developing forms of community policing, which enhances the legitimating role of local populations (Mawby, 2008: 31).

### *Structure*

Linked to a local, popular dimension to legitimation police territories were restructured in 1999 to give greater prominence to local political boundaries (Haberfeld et al, 2002: 149; Summers and Pływaczewski, 2012: 233). Restructuring also involved a major overhaul of personnel in the immediate post-socialist period. This involved a clearing out of all high ranking and chief police officers and the removal of around half of commissioned officers and a third of warrant officers (Kutnjak-Ivković and Haberfeld, 2000: 195). The discredited Security Service was replaced by a new state protection agency (Łos, 1995: 122-123). Finally, the post-socialist period has seen the expansion of commercial forms of policing. Already in 1988 as part of a package of economic reforms under the socialist government a law was passed making such enterprises possible (Czapska, 1995: 182). By 1993, employment in the private security sector outstripped that of the public police in Poland (Czapska, 1995: 183) and by the early 21<sup>st</sup> century there were nearly twice as many private security workers as there were police (van Steden and Sarre, 2007: 223).

The end of communist era isolation and the position of Poland east-west trafficking routes created new challenges for law enforcement (e.g. Summers and Pływaczewski, 2012: 234) Poland rejoined Interpol in 1990 (Kutnjak-Ivković and Haberfeld, 2000: 204) and joined the EU in 2004. Europeanisation is a potentially important driver of policing change. A series of opinions and reports by the European Commission indicate EU

priorities for policing structures in line with the *acquis* and the requirements of cooperation as a member of the Union (European Commission, undated). Under the heading of Justice and Home Affairs, these focus primarily on issues of cross-border significance, including migration, border control, drug production and trafficking and other transnational crimes. The reports indicate that the Commission operates with a range of tactics, emphasizing conditionality, providing funding for technical developments, and recognizing and encouraging positive developments. The extent to which the balance in driving change lies with the Commission and the domestic authorities is unclear. Already in the Commission's 1997 opinion on Poland's application for EU membership, Poland's active involvement in international forums on organized crime was acknowledged, and the 2000 progress report shows that the development of a strategy for organized crime was a direct response to pressure from the domestic legislature (European Commission, 1997: 95; 2000: 73).

### **Policing post-socialist Georgia**

Georgia had a period of statehood in the medieval period but fell under Ottoman domination and was later incorporated into the Russian Empire. A Georgian state re-emerged briefly, only to be absorbed by the Soviet Union within four years. The historic forms of? Georgian statehood provided a resource for a rising national movement during the period of *glasnost* and *perestroika* in the Soviet Union (Demetriou, 2002: 867). Georgia experienced significant conflict around its secession from a larger federated entity (USSR) and was characterized by a weak central state until 2004. Minorities in Abkhazia and South Ossetia sought to retain a place in the disintegrating USSR, and failing that declared independence. Between 1993 and 2008,

the wars settled into frozen conflicts. In Abkhazia it is estimated that around 10,000 people were killed and 250,000 people, mainly ethnic Georgians, fled (Ó Beacháin, 2012: 166). While the fiscal state may have been bolstered under the Saakashvili presidency (Scheuth, 2012: 133), the territorial reach of the Georgian government is still challenged by *de facto* states in Abkhazia and South Ossetia, recognized by the Russian Federation and allies. Georgia has a number of agreements on trade and political association with the EU, but no clearly defined route to membership (EU, undated). Finally, in terms of governance, the Georgian state shifted quickly into a period of weak authoritarianism under the Shevardnadze presidency (Tudoroiu, 2007). Owing to a lack of state cohesion and the limited reach of the state, this collapsed in 2003 in the face of a relatively small opposition (Way and Levitsky, 2006: 389). Initial hopes for the reform oriented Saakashvili presidency have been somewhat muted after the emergence of a 'Bonapartist regime' (Tudoroiu 2007) suggesting emphasis on state consolidation rather than democratization. However parliamentary and presidential elections in 2012 and 2013 resulted in a peaceful change of government. Georgia borders the Black Sea, Turkey, Russia including Chechnya and Ingushetia, and the former Soviet republics of Armenia and Azerbaijan.

### *Legitimation*

Four key phases are evident in post-Soviet Georgia. Extreme instability and conflict during the Gamsakhurdia Presidency and the rule of the State Council until 1995; the Shevardnadze Presidency, ending with the Rose Revolution of 2003; the Saakashvili government; and finally a peaceful handover of government in parliamentary and presidential elections in 2012 and 2013. In the initial period, the state failed to secure

the monopoly of organized violence (Demetriou, 2002: 876; Scheuth, 2012: 135). This was a period of civil conflict between competing regimes and between central authorities and breakaway regions. There was little or no coherent framework for authorizing the police, and it makes little sense to analyze the legitimization of a police system. The state that emerged from this period under the Shevardnadze Presidency from 1995 onwards has been described as lacking in both cohesion and scope, although it did secure some consolidation of coercive power (Demetriou, 2002: 877; Way and Levitsky, 2006: 394-5). While this was seen as a period in which the state functioned by co-opting violent and extra-legal actors into state structures (Demetriou, 2002: 877 ff.; Slade, 2012a: 625), the state was not a strong source of authority. Officials, including police, continued to operate beyond the control of the state, extracting bribes and fines for their own benefit (Light, 2014: 322). The Saakashvili government came to power with a pledge to tackle corruption and their electoral success provided a popular mandate for a range of police reforms and the reassertion of state authority in a range of sectors (Light, 2014: 333; Scheuth, 2012: 135). Saakashvili's period in government suggests some combination of popular and elite legitimization of the police, but with a bias towards the elite and to strong leaders (O'Shea, 2014: 252). Efforts to wipe out widespread police abuses of power that impact upon day-to-day life in Georgia won international praise (Light, 2014: 331), but these have been accompanied by violent repression of anti-government protests in 2007 (Tangiashvili and Slade, 2014: 418) and a failure to tackle corruption at the highest level (Börzel and Pamuk, 2012: 84).



## *Structure*

In Georgia, the major territorial development has been the *de facto* loss of control of territories in Adjara, Abkhazia and South Ossetia in the early stages of independence. With the strengthening of the state under Saakashvili, central authority over Adjara was re-established by force, but a similar forceful attempt to regain control over South Ossetia was followed by Russian intervention and Russia's recognition of Abkhaz and South Ossetian independence (Ó Beacháin, 2012: 166). Different phases of restructuring of personnel indicate different aims. One of the early acts of Gamsakhurdia had been to appoint his own people in internal security (Demetriou, 2002: 870). As part of root and branch reform, the Saakashvili regime initiated a reapplication process and disbanded the most notoriously corrupt and predatory division of internal security forces, the Highway Police. This reduced the ratio of police to public in Georgia from 1:78 to 1:324 (Light, 2014: 325; Slade, 2012b: 46). Estimates of the size of the commercial security sector are less complete than those available for the other two cases. Private policing seems to have grown slowly in the first instance, but by 2008 was an established market worth around €85 million and made up of around 100 active firms (Lehmbruch and Sanikidze, 2014: 102). A monitoring visit in 2006 found that British Petroleum pipeline projects used the services of InterSecurity. One of the earliest security firms established in Georgia, they employed around 1,000 people (Smith, 2007: 42).

In terms of international cooperation, Georgia joined Interpol in 1993 and is currently in the EU Eastern Partnership scheme. The EU requires a commitment to rule of law and human rights in line with the Prague Declaration of 2009 and in return provides

funds for programmes such as human rights training at the Academy of the Ministry of the Interior (Delegation of the EU to Georgia, undated). The tools used by the EU here are at the less coercive end of intervention, relying on capacity building over conditionality (Börzel and Pamuk, 2012: 83).

### **Policing post-socialist Bosnia and Herzegovina (BiH)**

A Bosnian state existed in the medieval period, but since Ottoman expansion into Europe, BiH has been a sub-unit, or divided between sub-units, of a larger polity (Malcolm, 2002). Most recently, it was one of six republics in the Socialist Federal Republic of Yugoslavia (SFRY). It is bordered to the north and west by Croatia, with a small break allowing access to the Adriatic Sea, and to the east and south east by Serbia and Montenegro. Slovenia and Croatia were the earliest of the Yugoslav republics to hold competitive multi-party elections in the spring of 1990, while BiH and others waited until the end of the year. In the interim period, an unsuccessful attempt was made to bar ethnically-defined parties in the republic (Donia, undated: 31-32). The elections resulted in the dominance of three ethnically-based parties which continue to play a major role in politics (Aitchison, 2011: 53 ff.). Control of the police and territorial defence units became a contentious issue as the republic, still part of the disintegrating SFRY, had no other armed forces (Aitchison, forthcoming). Throughout 1991, tensions mounted between the three parties of government, and by the spring of 1992 the country was in a *de facto* situation of war and remained so until the end of 1995. The war was ended by external intervention rather than victory. The dominant drivers of policing in BiH may be more post-conflict than post-socialist, or may reflect the interaction of legacies of communism and conflict. While dealing with the legacy of

the war, the country is also moving on from a one-party political system with strong central control and direction of the market and an emphasis on social ownership of the means of production. BiH also serves as an example of communism developed with a degree of autonomy from the Soviet Union.

### *Legitimation*

During the latter years of socialist rule in BiH police authority and legitimacy were derived from the party, as was the case in other socialist regimes. This was overlaid with ethnic considerations that ensured that leadership posts were shared across the main ethnic groups of the republic. There are signs of continuity after the 1990 elections as the three successful parties acted as representatives of 'their' people in nominating police chiefs and other senior officers. Tensions surrounding this formed part of the process leading to war and the fragmentation of the police along ethnic lines was clearly evident by March of 1992. Two conflicting demands of legitimation arose at the end of the war linked to the hardening of ethnic divisions and pointing to a bifurcation of sources of legitimacy between local sub-state units and external actors. The immediate post-war period saw the division of police authority across sub-state units in BiH. The Republika Srpska and many of the Cantons in the Federation of Bosnia and Herzegovina were now more ethnically homogenous and locating authority over police in these units provides some kind of ethnically based security in the wake of conflict (Aitchison, 2011: 73). At the same time, the peace agreements and the international institutions backing these supported the right to return for millions of refugees and displaced people. This required oversight of local police to ensure that returnees were secure and that they were not victimized by police with links to local

ethno-political elites. International oversight applied to individual officers and police organisations, and reforms targeted the relationship between government and police. These have been overseen primarily by the UN and by a successor EU mission (Aitchison, 2011: 82 ff.). International overseers have pushed the development of police authority at the level of the central state, where power is shared by parties representing the main ethnic groups of BiH (Aitchison, 2011: 103-104), but the ethno-political dimension of senior appointments, dating back to the 1970s, persists (ICG, 2010: 4).

### *Structure*

The territorial fragmentation of state policing in BiH has already been indicated, above. The peace agreements at Washington (1994) and Dayton (1995) and their subsequent implementation translated wartime divisions into peacetime police boundaries, with limited policing powers reserved for central authorities. International agencies in BiH have worked to change this through developing specific police functions under the central state and attempted to implement a consolidated framework for policing with local police areas established without reference to political boundaries (Martens, 2004; PRC 2005). I argue elsewhere that the period from the 1990 elections into the early stages of the war saw the politicisation, deprofessionalisation and militarisation of police, who were then involved in ethnic cleansing and other atrocity crimes (Aitchison, forthcoming). After the war, a UN certification process saw large numbers excluded from the police (Aitchison, 2011: 83-84), in part as a response to police involvement in war crimes and in part dealing with the expansion of the police with untrained personnel between 1990 and 1995. In the former Yugoslavia, where socially

owned security firms did exist, their function was the protection of socially owned as opposed to individual property (Sotlar, 2009: 490). At the end of the war, prior to the establishment of a legal framework for commercial security services, demobilized soldiers and dismissed police officers moved into this sector (Kržalić, 2009: 15). A detailed survey of licences granted in BiH suggests growth has been slow. By 2009 just over 4,200 private security workers were recorded, less than one quarter of the public police strength (Kržalić, 2009: 32, 34).

BiH joined Interpol while at war in 1992. The country's interaction with the EU in policing matters shares some similarities with other states of the west Balkans who are candidates for membership (Ryan, 2009) but also shows some particular features linked to the specific institutions of international oversight in the country since the end of the war. I have written elsewhere with Blaustein (2013) on the matter of the EU role in shaping policing in BiH, and concerns that the EU's narrow focus on its own security concerns risks marginalizing those of BiH's citizens. Nonetheless, even in a small and apparently relatively weak state, political forces in BiH have succeeded in resisting the EU's attempts to impose a single state structure of policing, variously justified in terms of effective capacity to tackle serious and cross-border crime and to meet demands of cooperation with the Union (Juncos, 2011; Aitchison, 2013: 555 ff.). The case of BiH's engagement with external and supranational agencies is a good illustration of Bayley's view that police structures are very resistant to external change and that efforts in this area can distract from the wider aim of democratisation (2006: 50, 62).

## **Post-socialist trajectories and police systems**

All country studies show that new regimes require new forms of legitimation and this extends to police systems. In each of case, efforts were made to find new sources of legitimation for the police in the absence of single party rule. Poland made a quick decisive break from socialist rule and developed a mixed local-central division within the context of democratic institutions. In BiH the early shift in legitimation was still very much linked to the parties in power and was associated with the stalling of the transition and development of conflict. Post-war international oversight in BiH has addressed this to some extent. In Georgia, while police might gain some greater legitimacy through effectiveness in addressing day-to-day problems of crime, control of police institutions by the Saakashvili regime pointed towards weaker democratic legitimacy. This fits with O'Shea's claim that many analyses of the period after the rose revolution 'overplay' the democratic dimension of this particular transition and downplay the authoritarian dimensions of Saakashvili's rule (2014: 163, 167).

A number of structural changes are observed across the police systems, including territorial reorganisation of police forces, the development of policing capacity outside the state through commercial providers, and the relationship with external police forces and agencies. These relate to different dimensions of transition including the experience of conflict, the changing nature of political authority, the post-Soviet geopolitical situation and the shift from a centrally planned, state-dominated economy. Territorial reorganisation was a direct effect of the war in BiH and loss of effective control over territory in Georgia. In Poland, it came around ten years into

transition and appears far more like an administrative reform focused on effective structures for command and accountability.

All countries engage in some form of lustration, but the rationales and the timing vary.

In each case, there was some attempt to replace internal security personnel. Horne and Levi observe this to be a common 'regional solution' but with variation in how and when it is carried out (2004: 52). Both the Georgian and Bosnian examples show continuity in that the police remain tied closely to a particular party or governing regime. In both, this is associated with a subsequent breakdown in peace and order. In each of these states, further waves of lustration take place at a later stage. Changes of personnel in line with shifts in power serve important symbolic and practical ends.

Blankenburg proposes that as claims to power are based in part on a contrast to a former regime, extending this contrast through renewing personnel in legal institutions is important (1995, 224). Equally, post-socialist purges serve to expel those who might be compromised by their past, or who, through an attachment to the old regime may act as an obstacle to change. This is not limited to post-socialist contexts nor to police systems, but can be found in other post-authoritarian contexts and sectors (see e.g. David, 2011; Di Palma, 1982; Garner, 1995; Novick, 1995). As well as changes to the personnel, other changes of an important symbolic nature took place including the renaming of militias as police, the abandonment of military ranks and changes in uniform (see e.g. Haberfeld, 1997: 645). This apparent shift to civilianisation sometimes sits uneasily against public information campaigns which police in more military style clothing and carrying long-barrelled weapons in the battle against organized crime (see OHR, 2005 for BiH).

Commercial forms of security were largely undeveloped in state-socialist police systems and have experienced 'sudden booms' and 'spectacular growth' in the subsequent period (Rigakos and Ergul, 2011: 338; van Steden and Sarre, 2007: 223). The growth of this sector in the post-socialist period and the differences between states may be explained by a range of contextual factors, including legal frameworks, demand and supply. Changes in the late- or post-socialist period created opportunities for security focused enterprises (Czapska, 1995: 182). Even before these frameworks were set up, firms in BiH were self-organizing to provide their own security and some private security firms were established (Kržalić, 2009: 7, 14-15) and in the Soviet Union extra-departmental guards provided security services to enterprises in return for funding (Lehmbruch and Sanikidze, 2014: 95). The new possibilities for private enterprise, including in the security sector, combined with a rise of private property to create a potential market and a framework for provision (Łos, 2002: 178). The collapse of the centrally planned economies and the introduction of market liberalisation opened formerly socialist states to a new level of consumerism and the commodification of various goods and services previously provided under state auspices. This commodification is linked to a reconceptualization of police as service rather than force (Loader, 1999: 376) and this can be seen in reformist discourses in former socialist states (Beck and Chistyakova, 2002: 124). However, structural features of the police role limit the extent to which they can act as service providers (Loader 1999, 378) and even in the absence of these, post-socialist forces may be slow to implement changes (Beck and Chistyakova, 2002: 135).



On the demand side of the equation, failures of state police and a new freedom of the press to make such failings known (Łos, 2002: 168; Mitchell 2009, 171) make various forms of private security more attractive including the patron based relationship with commercial providers (Loader, 1999: 378) and reliance on networks, family and self-arming (Mitchell, 2009: 173). Fear generated by increasing crime rates and the visibility of crime was common across the post-socialist world (Łos, 2002: 166) and further insecurities specific to post-war contexts would be anticipated in BiH, Georgia and other conflict-affected states (Maljević, 2002: 189 ff.; Nikolić-Ristanović, 1998: 474).

On the supply side, a boom in private security was fed by changes in state police personnel. Łos describes a transfer from state police services to private security of former police with 'secret knowledge, skills, equipment, political connections, informer networks and the readiness to use violence' (2002, 175). The opening up of previously closed economies has also created opportunities for major players in the globalized security industry, evolving and consolidating through mergers (Rigakos and Ergul, 2011: 339), to extend their reach into post-socialist countries. Having taken an 85 per cent stake in Alarm West in 2010, Securitas now employs 1,900 staff in BiH, employs around 7,000 staff in Poland and has entered the Georgian market for the provision of security hardware in alliance with local firm, Telekom (Securitas, undated a, b, c; *The Financial* 2011). The contrast of the rapid growth of the sector in Poland compared to BiH and Georgia suggests that even though commercial firms may be addressing a security gap, a minimum of security and stability is required for the industry to develop. In the case of BiH, it is worth noting that the fragmented structure of the state and state policing was frequently reflected in companies that operated only in

one political unit of the country, whether it was an entity, canton or district (Kržalić, 2009: 38 ff.). The difficulties of establishing firms in more than one entity, while not insurmountable, may have slowed consolidation and growth in the sector.

As the opening up of states in the post-socialist period generated the conditions for participation in a global security market (cf., White, this volume), it also created the opportunity for greater police cooperation across borders and with states outside the former communist bloc. Arguably it made such cooperation more important, but it is structured by the integration of states in global and regional frameworks for cooperation. Of the 31 states listed in table 20.1, 12 have become part of the EU, 4 are candidates, 2 potential candidates and a further six in the Eastern Partnership scheme.

The central function of protecting and maintaining the regime has been identified in socialist police systems. Beck and Chistyakova suggest that a reorientation towards protection of the public is required in the post-socialist era (2002: 124). After the end of single-party rule, certain police functions develop around the need for protection of the democratic form of politics and associated freedoms, securing the space for free political debate (Aitchison and Blaustein, 2013). While the crime control element of policing was never absent under socialist governments (Mawby, 2008: 26), shifts in the balance between private and state ownership of property mean the police crime prevention and detection role is reoriented towards serving the public and businesses rather than the state. Each country has taken steps breaking the police-party link in terms of functions of regime protection, and again we see important differences in timing here. Of the three cases, Georgia is perhaps the most interesting here as it took

longer to establish stable democratic institutions and was the last to consolidate democracy. Under the Shevardnadze regime, it is difficult to claim that the police maintained a strong commitment to regime maintenance. The underfinanced forces showed little commitment when Shevardnadze's rule was challenged by a 'weakly mobilized opposition' and crowds of 20 to 30 thousand (Way and Levitsky, 2006: 388-389). Yet neither had they shifted to a public service role, and much of the literature points to a predatory force focused on self-enrichment in line with state weakness and an opportunistic and kleptocratic ethos (Fairbanks, 2010: 145; Light, 2014: 321; Tudoroiu, 2007: 316). Tangiashvili and Slade characterize recent Georgian politics as 'competitive authoritarianism' in which there is a very strong executive and little counterbalance from a weak civil society (2014: 420). This might explain a continuing element of regime protection in violent repression of protests in the country in 2007 and in other problems indicating police abuse of power in support of government (Tangiashvili and Slade, 2014: 418). Even if authoritarian, the Georgian political regime remained contingent on competitive elections. At the first shifts of legislative and presidential power, there was no sign of police interference.

### **Police systems after socialism: a coherent category?**

The three cases of Poland, Georgia and BiH were selected as examples of states which have now made a relatively clear break from the socialist power structures described by Kornai. Nonetheless, they show divergence in their trajectories and the development of their police systems. 'Breakage' has been proposed as the successful model of transition: 'An early and thoroughgoing rejection of both the politics and economics of the state socialist past' (Bunce, 2004: 222). Poland is the clearest

example of this, evolving to a point where it makes more sense to describe it in terms of its present rather than against its socialist past. Of the three cases, it provided the best environment for such a break, featuring a relatively well-formed civic movement ready to challenge the authoritarian regime and dismantle its power structures. In the case of Georgia, the opposition movement was nationally oriented and in BiH there was no strong civic alternative to communist successors or to the ethno-national parties formed in the context of Yugoslav disintegration and nationalist movements in neighbouring republics. In these two cases, the result was conflict which undermines a clear break (Horowitz, 2003). In Georgia, that conflict was allowed to continue at a low level until it erupted again in 2008. In BiH it escalated and eventually brought large-scale international intervention. This shaped the development of the BiH police system through external oversight, while it took an internal revolution to challenge police abuses in Georgia. In these cases both the domestic and international environments shaped the police system, which can be understood as both post-conflict and post-socialist (cf., Perito, this volume). If these states are also able to make a clearer break from remaining legacies of their past, it will make sense to remove them from a category defined by that past. Legacies do become less relevant over time, and depending on the durability of those, any 'post-x' categorisation can only maintain its coherence for so long.

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